



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,557	11/07/2001	Marcus Davidsson	4925-150	3599

7590

11/06/2006

COHEN, PONTANI, LIEBERMAN & PAVANE
Suite 1210
551 Fifth Avenue
New York, NY 10176

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,557

Applicant(s)

DAVIDSSON, MARCUS

Examiner

Son P. Huynh

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/21/06;
3/16/06;2/3/05;3/3/03;11/7/01.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9, 15-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl et al. (US 6,532,589 – herein after referred to as '589) in view of Proehl et al. (US 2003/0131356 A1 – hereinafter referred to as '356).

Regarding claim 1, '589 discloses a method comprising:

accessing an electronic calendar capable of storing a plurality of events at a plurality of times (interpreted as accessing calendar-based television planner (herein after referred to as TV planner), from an electronic program guide. The TV planner capable of storing a plurality of events at a plurality of times such as remind, record, pay per view, etc. at different times on the TV planner – see col. 7, line 6-col. 8, line 60, figures 7-10);

displaying the accessed electronic calendar on an electronic display (interpreted as displaying TV planner on monitor screen – figures 1, 7,9-10; col. 7, line 6-col. 8, line 60);

accessing an electronic program guide, the electronic program guide listing a plurality of scheduled broadcast programs, and comprising information associated with each of the plurality of scheduled broadcast program (interpreted as generating an electronic program guide (EPG), the EPG listing a plurality of scheduled broadcast programs such as programs to be broadcast in future, pay per view programs, etc., each program comprises information such as program title, channel, broadcast time, etc. – see col. 5, lines 5-62, col. 6, line 47-col. 7, line 23, figures 1, 5, 7-8);

displaying the accessed electronic program guide on the electronic display (interpreted as displaying EPG on the monitor screen – see include, but are not limited to, figures 1, 7-8).

'589 further discloses selecting at least one of the plurality of scheduled broadcast program in the accessed electronic program guide (interpreted as selecting a program on the EPG screen for watch, recording, or set a reminder – see figures 1, 8, col. 6, line 55-col. 7, line 23).

'589 also discloses the TV planner is accessed from the electronic program guide (col. 7, lines 31-66), the TV planner allows the user to easily view and understand the schedule of selected TV activity, include timer schedule events, events scheduled for recording, and scheduled pay per view selections, etc. The TV planner has a plurality of entries (e.g. boxes for July 17 – figures 9-10), each entry containing information for a corresponding selected program (e.g. program title, channel, time) being stored in the TV planner at a time corresponding to broadcast time of the selected program – see figures 9-10, col. 8, lines 11-20). However, '589 does not specifically disclose the

Art Unit: 2623

information of the selected broadcast program is transferred from the electronic program guide to the TV planner as at least one new entry.

'356, in an analogous art, discloses a method for entering information relating to a scheduled broadcast program into an electronic calendar, wherein when the interest signal is received indicating interest in the program from the electronic program guide, the program information is retrieved and an entry is put and stored in a calendar at the day/time of broadcast to remind the user of the occurrence of the broadcast of the program (see include, but are not limited to, abstract, paragraphs 0031-0034). Thus, the limitation of "transferring information, associated with the at least one selected broadcast program, from the electronic program guide to the accessed electronic calendar as at least one new entry" is interpreted as retrieving information of the selected program displayed on the EPG screen such as start time, channel, etc. and entry is input in the calendar at the day/time of broadcast of the selected channel.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '589 to use the teaching of transferring information, associated with the selected program, from the electronic program guide to the accessed electronic calendar as at least one new entry as taught by '356 in order to improve convenience for user, or improve accuracy in data entered into the calendar.

Regarding claim 2, '589 in view of '356 discloses a method as discussed in the rejection of claim 1. '356 further discloses TV planner is accessed from electronic program guide (col. 7, lines 1-66) and once the viewer selects a particular program (e.g.

Art Unit: 2623

record/purchase), the viewer can display TV planner on the screen without electronic program guide (figures 8-10). Thus, the electronic program guide is removed from the display upon selection of the at least one of the plurality of broadcast program (interpreted as after the viewer selects a program on the electronic program guide to purchase/record/or remind, the TV planner can be displayed on the screen (without the electronic program guide) and allows viewer to view the activities – see figures 9-10). '589 also discloses the TV planner comprises return button returns a user to home, or the last screen that they were viewing prior to entering the TV planner (col. 8, lines 3-10), the TV planner also comprises go to guide button that take the viewer to the electronic program guide (col. 8, lines 3-60). It is obvious that a portion of the displayed electronic calendar (TV planner) is replaced on the display by the electronic program guide when the electronic program guide is access (e.g. press EPG key on the remote control – col. 5, lines 20-35, or select “go to guide button” on the TV planner) so that the viewer can see the information on the program guide easily.

Regarding claim 3, '589 in view of '356 discloses a method as discussed in the rejection of claim 1. The additional limitation of “the scheduled broadcast program listed in the electronic program guide are television programs” is interpreted as broadcast programs displayed on the EPG are television programs such as movies, news, sports, etc. (see '589, col. 5, line 34-col. 6, line 7, col. 6, line 61-col. 7, line 23).

Art Unit: 2623

Regarding claim 4, '589 in view of '356 discloses a method as discussed in the rejection of claim 3. The additional limitation of "the information transferred from the electronic program guide to the calendar comprises at least one of a name, start time, duration, and channel number of the corresponding at least one selected television program" is interpreted as the system responds to the signal received, in response to viewer selection indicating viewer interest in a particular program, by retrieving program information regarding that program, including the start time, and the channel, and these information is entered as an entry in the calendar – paragraphs 0031-0034).

Regarding claim 5, '589 in view of '356 discloses a method as discussed in the rejection of claim 3. '589 further discloses system responds to the signal received, in response to viewer selection indicating viewer interest in a particular program, by retrieving program information regarding that program, including the start time, and the channel. The link between a received signal and corresponding program information may be realized a variety of ways. For example, the signal may include a program identification, e.g., title or other code that is used to reference into a database of program information. These program information are entered as an entry in the calendar – paragraphs 0031-0034). It is obvious that the information transferred comprises an identification of the at least one selected broadcast program (e.g., title of the program) in order at least that the program can be identified easily on the calendar.

Art Unit: 2623

Regarding claim 6, '589 in view of '356 discloses a method as discussed in the rejection of claim 1. The additional limitation of "displaying one of a reminder and recording icon in the electronic calendar when a broadcast program for which an entry has been stored in the electronic calendar is tagged for one of a reminder and a recording function, respectively) is met by displaying "remind" icon or "record" icon in the calendar month/day when a broadcast program is selected for reminding or for recording – see '589, figures 9-10, col. 8, lines 10-60).

Regarding claim 9, '589 in view of '356 discloses a method as discussed in the rejection of claim 1. '589 further discloses a remote control that allow user to select programs through the electronic program guide – col. 5, lines 30-35); a cursor 928 is displayed as a box outlining a day of the TV planner, and the cursor 928 is under control of the user via the remote device; the cursor is used to select the day view TV planner (col. 8, lines 25-30). '356 also discloses the viewer can enter into the system through a user input means, such as a cursor control device and a EPG display, a particular program of interest (paragraph 0033). It is obvious that selecting of a program in the program guide comprises highlighting (or outlining) a listing in the EPG corresponding to the selected program in order to allow user to identify the program to be selected and more accurately select the desired program.

Regarding claim 15, the limitations of a multimedia device correspond to the limitations of the method as claimed in claim 1, and are analyzed as discussed in the rejection of

Art Unit: 2623

claim 1, wherein "data storage device..." is read on any storage device/user program record/purchase database that stores an TV planner (see '589, figures 2, col. 4, line 58-col. 5, line 15, col. 7, line 1-22, figures 8-10) or alternatively read on memory (e.g., 520, 530) that stores electronic calendar (see '356, figures 2,5, paragraph 0030-0032, 0034, 0037), the "first access means for accessing the electronic calendar..." is read on demultiplexer or access device connected memory/database that stored TV planner (see '589 include, but not limited to, figures 2, 8-10), or alternatively read on calendar function 525 (see '356 – figure 5), "second accessing means..." reads on demultiplexer, SRAM 36, IC 34 that access program guide data (see '589, col. 5, lines 1-15, lines 37-62), "a processor coupled to the first and second accessing means and the data storage device..." is interpreted as CPU coupled to data buffer 51, demultiplexer, DRAM, EEPROM, ROM, DRAM, etc. for control processing to the data and performs functions according to command input by the user (see '589, figures 2, 8-10, col. 4, line 58-col. 5, line 15; col. 6, lines 7-53). '356 also discloses controller 505 (reads on the claimed processor) coupled to memory 500, calendar function (525) controls operations of the system in according to user commands, the controller capable, upon receipt of a control signal, indicating an interest program from the EPG, retrieving the information of the selected program from the EPG and input these information as an entry in the calendar area corresponding to the broadcast time of the selected program (see discussed in the rejection of claim 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '589 to use the teaching of transferring information, associated with the selected program, from the electronic program guide to

Art Unit: 2623

the accessed electronic calendar as at least one new entry as taught by '356 in order to improve convenience for user, or improve accuracy in data entered into the calendar.

Regarding claim 16, '589 in view of '356 discloses a method as discussed in the rejection of claim 1. '589 further discloses output means for generating a video output signal capable of driving a monitor (interpreted as demultiplexer, MPEG 25, NTSC 27 for generating a video output signal to a monitor 4 – figures 1-2,7-8, col. 4, lines 33-44; col. 5, lines 1-15), the video output signal being capable of displaying on the monitor the electronic calendar and the electronic program guide (interpreted as output signal capable of displaying on the monitor screen the TV planner and the television program guide – figures 7-10).

Regarding claims 17-21 and 24, the additional limitation of the multimedia device correspond to the additional limitations of the method as claimed in claims 2-6, 9, and are analyzed as discussed with respect to the rejection of claims 2-6 and 9.

3. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl et al. (US 6,532,589 – herein after referred to as '589) in view of Proehl et al. (US 2003/0131356 A1 – hereinafter referred to as '356) as applied to claim 6 or 21 above, and further in view of Ellis et al. (US 2005/0283810 A1).

Art Unit: 2623

Regarding claim 7, '589 in view of '356 discloses a method as discussed in the rejection of claim 1. '589 further discloses an entry has been stored in the electronic calendar is tagged for one of a reminder and a recording function, respectively (figures 9-10). However, neither reference specifically disclose the entry has been stored is tagged in the electronic program guide.

Ellis disclose an entry has been stored is tagged in the electronic program guide for a recording function (interpreted as program selected to be recorded is tagged so that the programs selected to be recorded displayed with an icon, different color, a different font, etc. indicating them as to be recorded – see paragraphs 0125 –0126, figures 11a-11c). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '589 in view of '356 with the teaching as taught by Ellis in order to allow user to identify the program selected to be recorded in the program guide.

Regarding claim 22, the additional limitations of the multimedia device as claimed correspond to the additional limitations of method as claimed 7, and are analyzed as discussed with respect to the rejection of claim 7.

4. Claims 8, 10-14, 23, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl et al. (US 6,532,589 – herein after referred to as '589) in view of Proehl et al. (US 2003/0131356 A1 – hereinafter referred to as '356), and further in view of Yuen et al. (6,430,359).

Regarding claim 8, '589 in view of '356 discloses a method as discussed in the rejection of claim 1. '356 further discloses program identification comprises code that is used to reference into a database of program information (paragraph 0031). Thus, the code uniquely identifies the program. The user select an interest program using a user input means, such as a cursor control device or keyboard (paragraph 0033). However, '589 in view of 356 does not specifically disclose entering a code for a selected program.

Yuen discloses selecting program in the electronic program guide comprises entering a code for a selected program, the code uniquely identifying the selected program (interpreted as select a program comprises entering compressed code or G-code, the compressed code or G-code uniquely identifying the selected program – see include, but not limited to, col. 16, lines 5-41, figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '589 in view of '356 to use the teaching as taught by Yuen in order to enter information of selected program simpler, faster and less error-prone (see col. 2, lines 24-31).

Regarding claim 23, the additional limitations of the multimedia device as claimed correspond to the additional limitations of the method as claimed in claim 8, and are analyzed as discussed with respect to the rejection of claim 8.

Art Unit: 2623

Regarding claim 10, the method as claimed is broader than the method as claimed in claims 1 and 8. Therefore, the limitations that correspond to the limitations of claims 1 and 8 are analyzed as discussed with rejection of claims 1 and 8.

Regarding claims 11-13, the additional limitations as claimed correspond to the additional limitations as claims in claims 3-4, 6, and are analyzed as discussed with respect to the rejection of claims 3-4, 6.

Regarding claim 14, '589 in view of '356 discloses a method as discussed in the rejection of claim 13. '589 further discloses an entry has been stored in the electronic calendar is tagged for one of a reminder and a recording function, respectively (figures 9-10). However, neither reference specifically disclose the entry has been stored is tagged in the electronic program guide. Official Notice is taken that entry of selected program is tagged in an electronic program guide is well known in the art. For example, on an electronic program guide, displaying program selected to be recorded with an icon, different color, or different font to allow the selected program to be identified. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '589 in view of '356 and Yuen with the well-known teaching in the art in order to allow user to identify the program selected to be recorded in the program guide.

Art Unit: 2623

Regarding claim 25, the multimedia as claimed is broader than the multimedia as claimed in claims 15 and 23. Therefore, the limitations that correspond to the limitations of claims 15 and 23 are analyzed as discussed with rejection of claims 15 and 23. The “code receiving means for receiving code...” is read on either the remote control device or command signal receiver 30 – see Yuen – figures 1,3, col. 16, lines 5-61).

Regarding claims 26-29, the additional limitations as claimed correspond to the additional limitations as claimed in claims 18-19, 21-22, and are analyzed as discussed with respect to the rejections of claims 18-19, 21-22.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishikawa et al. (US 6,348,932) discloses provide two different types of service in a menu.

Horvitz et al. (US 5,864,848) discloses goal driven information interpretation and extraction system.

Ethredge (US 6,018,372) discloses electronic program guide with multiple day planner.

Bookspan et al. (US 6,636,888) discloses scheduling presentation broadcast in an integrated network environment.

Gagnon et al. (US 6,522,342) discloses graphical tuning bar for a multi-program data stream.

McRae (US 6,115,079) discloses programmable video channel controller.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

November 2, 2006

A handwritten signature in black ink, appearing to be 'SPH' followed by a stylized flourish.